

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND - ODESSA DIVISION

CINCH ENERGY SERVICES, LLC  
*Plaintiff,*

v.

J & L OILFIELD SERVICES, LLC  
and STEPHANY BRUNING,  
*Defendants.*

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CIVIL ACTION NO. 7:20-CV-00238

JURY DEMANDED

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NOTICE OF REMOVAL

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TO THE HONORABLE JUDGE OF SAID COURT:

Please take notice that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, J & L OILFIELD SERVICES, LLC (“J&L”), Defendant herein, removes to this Court the state court action pending in the 161st Judicial District Court in Ector County, Texas invoking this Court’s diversity jurisdiction, on the grounds explained below.

**BACKGROUND**

1. This matter arises from an automobile accident that occurred on January 31, 2020. In its Original Petition, Plaintiff alleges that on or about January 31, 2020, its employees were involved in a collision with an employee of J&L. On June 29, 2020, Plaintiff filed its Original Petition alleging negligence, negligent entrustment, respondeat superior, and negligence per se causes of action against Defendants J&L and Stephany Bruning in the 161<sup>st</sup> Judicial District Court in Ector County, Texas bearing Cause No. B-20-06-0677-CV (the “State Court Action”). *See* Plaintiffs’ Original Petition, attached hereto as **Exhibit B**.

2. The Petition alleges the Plaintiff resides in Texas. *See* Exhibit B. Plaintiff is registered to do business in the state of Texas.

3. The Petition alleges Defendant J&L is in fact a foreign entity registered to do business in the state of Oklahoma and that Defendant Stephanie Bruning is a resident of the state of Wyoming.

4. Plaintiff served Defendant J&L through Jose L. Avila, a Registered Agent, pursuant to Tex. Civ. Prac. & Rem Code, Sec. 17.026 on September 8, 2020. Defendant J&L appeared or answered on October 6, 2020, asserting a general denial and affirmative defenses to the claims and allegations made in Plaintiffs' Original Petition. See Defendant's Original Answer, attached as **Exhibit B**.

5. Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings, and orders served upon Defendant in the State Court Action are incorporated herein under **Exhibit B**.

6. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant J&L will give written notice of the removal to Cinch Energy Services, LLC ("Plaintiff") through its attorney of record, and to the clerk of the 161<sup>st</sup> Judicial District Court, Ector County, Texas.

7. Pursuant to 28 U.S.C. § 1446(b)(3) this Notice of Removal has been timely filed by Defendant J&L within thirty (30) of service of the lawsuit.

#### **EXHIBIT INDEX**

**Exhibit A** Index of Matters Being Filed.

**Exhibit B** All executed process in this case, including a copy of the Plaintiff's Original Petition, citation, civil process pick-up form, civil process request, Plaintiff's First Amended Answer, and a copy of Defendant's Original Answer.

**Exhibit C** List of all Counsel of Record.

**Exhibit D** Civil Cover Sheet.

**JURISDICTION**

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the matter is removable to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

**A. DIVERSITY OF PARTIES**

9. Plaintiff is domiciled in Texas. In its Original Petition, Plaintiff alleges that it is an entity registered to do business in the State of Texas.

10. Defendant, J&L is registered to do business in the state of Oklahoma.

11. Accordingly, there is complete diversity between the Texas Plaintiff and the Oklahoma Defendant pursuant to 28 U.S.C. § 1332(a).

**B. AMOUNT IN CONTROVERSY**

12. Based on Plaintiff's pleading, the amount in controversy plainly exceeds \$75,000.00, exclusive of interest and costs. Specifically, the Petition alleges Plaintiff "seeks monetary relief over \$100,000 but not more than \$200,000." *See*, Exhibit B. Accordingly, the amount in controversy requirement of 28 U.S.C. § 1332(b) is satisfied.

**CONCLUSION**

11. Removal of this action under 28 U.S.C. § 1441(a) is proper as the district courts of the United States have original jurisdiction over the matter pursuant to 28 U.S.C. § 1332, and as all requirements for removal under 28 U.S.C. § 1446 have been met.

WHEREFORE, Defendant, J&L Oilfield Services, LLC, respectfully prays that the state court action be removed and placed on this Court's docket for further proceedings as though it had

originated in this Court and that this Court issue all necessary orders. J&L further requests any additional relief to which she may be justly entitled.

DATE: October 7, 2020.

Respectfully submitted,

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

/s/ Shashi Patel

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**ATTORNEYS FOR DEFENDANT**

**J & L OILFIELD SERVICES, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record pursuant to the Texas Rules of Civil Procedure on October 7, 2020.

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